

House Bill 619

By: Representative Hugley of the 133rd

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to enact the "Bianca Walton Anti-Bullying Act"; to define the term "bullying"; to provide that bullying shall be prohibited at school and at school related activities; to provide that each local board of education shall establish a policy relating to bullying behavior; to require certain provisions in the policy; to require training on bullying behavior for certain school system personnel; to provide that local school systems provide information to the Department of Education on the number and disposition of bullying incidents reported; to provide for a model bullying policy by the Department of Education; to provide for immunity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Bianca Walton Anti-Bullying Act."

SECTION 2.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by striking Code Section 20-2-751.4, relating to policies prohibiting bullying, assignment to alternative school, and notice, in its entirety and inserting in lieu thereof the following:

"20-2-751.4.

(a) As used in this Code section, the term 'bullying' means any threatening, insulting, dehumanizing, or intentional gesture, use of data or computer software, or any intentional written, verbal, or physical conduct or threat directed against a student that:

(1) A reasonable person, under the circumstances, should know would have the effect of:

1 (A) Placing a student in reasonable fear of harm to his or her person or damage to his
2 or her property;

3 (B) Is sufficiently severe, persistent, or pervasive that it creates an intimidating,
4 threatening, or abusive educational environment for a student;

5 (C) Interferes with a student's educational performance, opportunities, or benefits; or

6 (D) Has the effect of substantially disrupting the orderly operation of a school;

7 (2) Constitutes retaliation against a student by another student for asserting or alleging
8 an act of bullying; or

9 (3) Constitutes perpetuation of conduct by an individual or group with intent to demean,
10 dehumanize, embarrass, or cause physical harm to a student by:

11 (A) Incitement or coercion;

12 (B) Accessing or knowingly causing or providing access to data or computer software
13 through a computer, computer system, or computer network within the scope of the
14 school year; or

15 (C) Acting in a manner that has an effect substantially similar to the effect of bullying.

16 ~~(1) Any willful attempt or threat to inflict injury on another person, when accompanied~~
17 ~~by an apparent present ability to do so; or~~

18 ~~(2) Any intentional display of force such as would give the victim reason to fear or~~
19 ~~expect immediate bodily harm.~~

20 (b) Bullying of any student shall be prohibited:

21 (1) During any education program or activity on school property conducted by a local
22 school system in kindergarten through grade twelve;

23 (2) During any school related or school-sponsored program or activity, on a school bus,
24 or at a school bus stop; and

25 (3) Through the use of data or computer software that is accessed through a computer,
26 computer system, or computer network of a local school system.

27 (c) Each local board of education shall adopt policies, applicable to students in ~~grades six~~
28 ~~kindergarten~~ through ~~grade~~ 12, that prohibit bullying of a student by another student ~~in~~
29 ~~accordance with subsection (b) of this Code section~~ and shall require such prohibition to
30 be included in the student code of conduct for ~~middle and high~~ all schools in that school
31 system. ~~Such policies shall not establish categories of students but shall afford all students~~
32 ~~the same protection regardless of their status under law. Such policies shall be developed~~
33 ~~with input from students, parents, teachers, administrators, school staff, school volunteers,~~
34 ~~community representatives, and local law enforcement personnel.~~ Local board policies
35 shall ~~include:~~

1 (1) A statement prohibiting bullying of any student on school property, on a school bus
2 or other school related vehicle, at a school bus stop, or at a school-sponsored activity or
3 event whether or not it is held on school premises;

4 (2) A definition of bullying;

5 (3) A description of the type of behavior expected from each student;

6 (4) Consequences and appropriate action for a student who commits an act of bullying;

7 (5) A statement that prohibits reprisal or retaliation against any person who reports an
8 act of bullying and the consequences and appropriate action for a person found to have
9 wrongfully and intentionally accused another of an act of bullying;

10 (6) A strategy for protecting a victim from additional bullying and from retaliation
11 following a report of bullying;

12 (7) A procedure for reporting an act of bullying, including a provision that permits a
13 person to report anonymously; provided, however, this paragraph shall not permit formal
14 disciplinary action solely based on an anonymous report;

15 (8) A procedure for responding to any reported act of bullying and the range of ways in
16 which a school will respond once an incident of bullying is reported;

17 (9) A procedure for the prompt investigation of a report of bullying and the persons
18 responsible for the investigation;

19 (10) A process to investigate whether a reported act of bullying is within the scope of the
20 local school system and, if not, a process for referral of such an act to the appropriate
21 jurisdiction;

22 (11) A procedure to refer victims and perpetrators of bullying for counseling;

23 (12) A requirement that parents or guardians of any student involved in an incident
24 prohibited pursuant to this Code section be notified, and to the extent permitted under the
25 federal Family Educational Rights and Privacy Act of 1974, as amended, a procedure for
26 monthly reporting to a victim's parents all actions instituted against a perpetrator of
27 bullying and the action taken to prevent any further acts of bullying;

28 (13) A procedure for documenting any prohibited incident that is reported as well as a
29 procedure for including incidents of bullying or harassment in the school's report of
30 safety and discipline data in accordance with subsection (e) of this Code section;

31 (14) A procedure for providing instruction to students, parents, teachers, school
32 administrators, counseling staff, and school volunteers on identifying, preventing, and
33 responding to bullying; and

34 (15) A statement of how the policy is to be publicized including notice that the policy
35 applies to participation in school-sponsored activities.

36 ~~require that, upon a finding that a student has committed the offense of bullying for the~~
37 ~~third time in a school year, such student shall be assigned to an alternative school.~~

Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each ~~middle and high~~ school and by including such information in student and parent handbooks.

(d) Each local board of education shall:

(1) Provide training relating to identifying and addressing bullying behavior to the local superintendent and all principals, assistant principals, school counselors, resource officers, and other appropriate staff who have direct contact with students; and

(2) Establish and implement a process for educating students on the bullying policies adopted pursuant to this Code section.

(e) Each local board of education shall include the number of incidents of bullying behavior reported in its school system and the disposition of such incidents in the annual report required to be submitted to the Department of Education pursuant to Code Section 20-2-740.

(f) To assist local boards of education, the Department of Education shall develop a model anti-bullying policy which may be utilized by a local board of education.

(g) Local boards of education are encouraged to establish bullying prevention task forces, programs, and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement, and community members.

(h) Any school system which is not in compliance with the requirements of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

(i) A school system employee, school volunteer, student, or parent shall be immune from a cause of action for damages arising from reporting an act of bullying if such report was made in good faith."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.